

## REMARKS

Applicant has carefully reviewed and considered the Office Action of 4 February 2008, including the cited prior art. In response to the Office Action, Applicant makes the following remarks:

### ***Claim Rejections – 35 USC §103***

Claim 1 stands rejected under 35 U.S.C. §103(a) as unpatentable over the Martin reference (U.S. Patent No. 6,509,913). Applicant respectfully traverses in that a *prima facie* case of obviousness has not been presented, and that not all elements or limitations of claim 1 are found in the Martin reference.

Applicant kindly puts forth that no *prima facie* case of obviousness has been presented. Indeed, almost none of the claimed elements and limitations are mentioned in the Office Action. Instead, the Office Action notes several sections of the Martin reference and makes blanket conclusory statements of obviousness. Applicant respectfully traverses the rejection in that office action has not satisfied the burden of factually supporting a *prima facie* conclusion. See MPEP §2142. Indeed, the MPEP requires a clear articulation of the reason(s) why the claimed invention would have been obvious, that is, “rejections on obviousness cannot be sustained on mere conclusory statements; instead there must be some articulate reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2142 *citing In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), *see also, KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d at 1396 (2007) (quoting Federal Circuit statement with approval).

Specifically, the office action has not factually supported the conclusion that the cited reference teaches, suggests, or renders obvious many of the expressly claimed elements and limitations. The action does not point to specific claimed elements and limitations and where they can be found in the prior art. The action has not pointed to facts supporting conclusions that all of the elements or limitations of claim 1 are taught or suggested in the references cited. Applicant, therefore, respectfully traverses the rejection of these claims.

Applicant further requests that any subsequent action on the merits not be made final. Applicant is required to “amend with a view to avoiding all the grounds of rejection and objection.” MPEP §706.07. Due to the lack of substance in the Office Action, Applicant has no

opportunity to amend claim 1 to avoid all grounds of rejection and objection that have been properly applied. Applicant, therefore, kindly requests that any subsequent action not be made final.

Because no proper *prima facie* case of obviousness has been presented, Applicant lacks opportunity to properly address such rejection. Nevertheless, Applicant kindly presents the following discussion of several of the claimed elements and limitations that are neither taught nor suggested in the Martin reference.

The Martin reference does not teach the second computer. Applicant appreciates the argument that the specification suggests that a single computer can execute both the editor software and the display software. Nevertheless, even if claim 1 is read to include only a single computer or if it would have been obvious to modify the Martin reference to perform the invention disclosed therein on separate computers, the Martin reference does not teach all of the elements and limitations of the second computer, nor would modification of the Martin reference to yield claim 1 have been obvious to one of ordinary skill in the art.

The Office Action does not indicate which of the devices taught in the Martin reference would be the intelligent electronics device claimed, nor which device or devices would be the first and second computers as claimed. For example, if the wireless device of the Martin reference is the claimed intelligent electronic device, then which device is configured to display the customized settings management user interface including display of a configurable setting? Applicant respectfully puts forth that the Martin reference does not teach or suggest that the wireless device is configured to display the customized settings management user interface including display of a configurable setting. Even if it were, then it could not be the claimed intelligent electronic device because, according to claim 1, it is the computer that is configured to display the customized settings management user interface that is in communication with and delivers data to the intelligent electronic device. Thus Applicant assumes that the wireless device of the Martin reference cannot teach or suggest the claimed second computer because (as disclosed in the Martin reference) the wireless device of the Martin reference is not configured to display the customized settings management user interface, nor is it in communication with the intelligent electronic device, nor is it able to deliver data related to said configurable setting to said intelligent electronic device. Indeed, Applicant is left to wonder where and in which device

of the Martin reference is there taught or suggested a device configured to display the customized settings management user interface.

Applicant respectfully puts forth that the network gateway of the Martin reference does not teach or suggest the elements and limitations of the second computer of claim 1, even if the first and second computers of claim 1 are executed on a single device. Among others, claim 1 requires the following elements and limitations: 1) a computer executing software adapted to create and save an application design file pertaining to properties of a customized settings management user interface, and 2) a computer adapted to receive said application design file, executing display software adapted to execute said application design file to cause said customized settings management user interface to be displayed by said computer, 3) where said customized settings management user interface includes display of a configurable setting.

Claim 1 requires that the display software be adapted to execute the application design file and cause the customized settings management user interface to be displayed by said computer. Though Applicant does not agree that the Martin reference teaches the claimed customized settings management user interface, even assuming that it did, it does not teach the display of such by the computer. Applicant refers to the above in that the wireless device of Martin cannot be the claimed computer. Applicant respectfully puts forth that the Martin reference does not teach display of the customized settings management user interface by the computer.

Claim 1 further requires “editor software adapted to modify a settings management user interface enabling *substantially full functionality of settings configuration for an intelligent electronics device*”. Claim 1, emphasis added. Even assuming that the Martin reference discloses editor software, it does not teach editor software adapted to modify a settings management user interface enabling substantially full functionality of settings configuration for an intelligent electronics device. Again, Applicant is unaware of which component described in the Martin reference would satisfy the intelligent electronics device. Assuming that the wireless device of the Martin reference compares to the claimed intelligent electronics device, Martin teaches only that certain aspects of the display (screen configuration) of the wireless device are configurable. Thus, the Martin reference does not teach or suggest this claimed element. Applicant further puts forth that it would not have been obvious for one of ordinary skill in the art to modify the Martin reference to make the claimed invention without undue experimentation.

Applicant respectfully requests reconsideration or, in the alternative, information as to where (if at all) the Martin reference teaches this claimed element.

Claim 1 requires further that the customized settings management user interface include “display of a configurable setting for said intelligent electronics device”. Applicant is unaware of where this is taught in the Martin reference and respectfully requests explanation. Due to the lack of explanation in the Office Action, Applicant respectfully puts forth that no *prima facie* case of obviousness is presented, and requests reconsideration.

Though many of the claimed elements and limitations of claim 1 are not taught or suggested by the Martin reference or addressed in the Office Action, Applicant respectfully puts forth that the above is sufficient to illustrate that a *prima facie* case of obviousness has not been presented. Accordingly, Applicant respectfully requests reconsideration of claim 1.

### ***Claim Objection***

The Office Action has objected to claim 2 as it is dependent on rejected claim 1. As shown above, the Office Action has not presented a *prima facie* case of obviousness for claim 1. Thus, Applicant asserts that the objection to claim 2 is premature. Accordingly, Applicant kindly requests reconsideration.

## CONCLUSION

Applicant respectfully submits that in light of the arguments set forth in this response, this application is now in condition for allowance, and requests that a timely Notice of Allowance be issued. However, should Examiner be of the opinion that further amendments or response is required, Applicant encourages Examiner to contact the undersigned attorney at the telephone number set forth below. Further, although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0002).

Respectfully submitted,

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